



## **UV – Urban Village District**

### **Section 7-8-23 – Unified Development Ordinance City of Asheville Zoning Districts**

(a) *Purpose.* The Urban Village District is established to create mixed use development that is economically vital, pedestrian-oriented and contributes to the place-making character of the built environment. The Urban Village District offers the unique opportunity to provide quality and long lasting retail, office and residential uses in an organized layout that encourages the full range of access by patrons and users, and offers innovative high quality design of structures, public amenities and pedestrian facilities. The development and design standards set forth in this district intend to accomplish the following purposes:

- (1) Provide safe and convenient access to shopping and other essential services to:

Pedestrians,

Bicyclists,

Transit riders, and

Persons with disabilities.

- (2) Effective traffic flow through:

Access management, and

Improved internal and external connectivity.

- (3) Create a built environment that serves to:

Enhance gateway corridors,

Preserve historic heritage,

Urban Village District

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Promote economic development and an improved tax base for the city, and

Celebrate Asheville's distinction from other cities.

- (4) Promote sustainable use of limited land and investment resources by:

Encouraging higher building densities,

Allowing efficient shared parking areas, making cost effective use of existing infra-structure,

Showcasing innovative high quality development,

Providing adaptive re-use of under-performing retail properties,

Ensuring multi-modal transportation access,

Insuring internal and external connectedness,

Developing a durable framework of infrastructure and built structures that can accommodate future renovations,

Upgrades and rehabilitation, and

Reestablishing the public realm, civic pride, and sense of community ownership in new developments.

- (b) *Permitted uses.*

Residential.

Single family, multi-family

Recreational.

Arboretums

Passive parks

Recreational uses, commercial indoor

Recreational uses, governmental

Institutional.

Civic, social service, and fraternal facilities

Places of worship

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Public/semi-public.

- Amphitheaters and auditoriums
- Community centers
- Fire/police stations
- Government buildings
- Libraries
- Museums
- Performance centers
- Post offices (no distribution centers)
- Public utilities and related facilities

Office/business.

- Bakeries
- Barber shops and salons
- Bars, nightclubs
- Bed and breakfast inns
- Bicycle shops
- Boardinghouses
- Bookstores
- Candy, pastry, ice cream and snack shops
- Clinics, medical, dental, psychiatric, optical
- Clinics, veterinary
- Convenience stores
- Copying centers
- Delicatessens
- Financial institutions
- Florists
- Fruit and vegetable markets
- Gift shops
- Grocery stores
- Hardware/garden supply stores
- Health and fitness facilities
- Home occupations
- Instructional services
- Laundry and dry cleaning establishments
- Offices
- Pharmacies
- Printing and publishing
- Radio and television studios
- Research and technology production
- Residential related commercial service
- Restaurants
- Retail sales
- Studios, galleries, and workshops for artists, craftspeople, designers, photographers

Urban Village District

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Tailors/dressmaker shops  
Theaters  
Video rental stores

(c) *Prohibited uses.* Any use not specifically listed as a permitted use, a use by right subject to special requirements, or a conditional use in the Urban Village District is prohibited.

Gated communities. This shall not include those gated communities lawfully established prior to June 12, 2007, or extend to those properties acquired as part of such communities prior to June 12, 2007, provided it can be demonstrated that these properties were included in a documented community masterplan.

(d) *Uses by right, subject to special requirements.*

Adult day care centers  
Adult day care homes  
Assisted living facilities  
Automobile service stations  
Car washes  
Child day care centers  
Drive-through facilities  
Funeral homes  
Group homes  
Lodging facilities  
Motor vehicle and boat service and repair  
Orphanages  
Parking decks  
Recycling collection centers  
Retail gasoline sales  
Schools  
Shelters  
Wireless telecommunication towers using concealed, wireless or microcell technology  
Vocational and training schools

(e) *Conditional uses.*

None

Urban Village District

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(f) *Development standards.*

(1) *Master plan required.*

- a. Unless initiated by the city pursuant to its zoning authority, Urban Village District projects are required to submit a master plan with the zoning application for the entire parcel that indicates the general street network, the land use configuration within that network, the ultimate proposed development intensity (including the number of residential units and gross square footage of all nonresidential uses), and the proposed structure heights for the Urban Village. For initiation of this zoning classification, properties may fall under more than one ownership so long as there exist covenants or other legally binding agreements that address cross-access, cross-parking and other similar issues affecting joint operation of the projects.
- b. After the establishment of the Urban Village District zoning, regardless of scale, Urban Village District development projects shall be approved under the Level II site plan review process. Multi-phase projects must submit drawings and elevations along with the approved master plan at the time of Level II review. A traffic impact analysis will be required for all Urban Village projects and shall be submitted with the Level II application. Projects for the Urban Village District shall be reviewed for compliance with the standards set forth in the ordinance.
- c. Revisions to approved Urban Village District master plans may be approved by the city council or by the planning and development director depending on the type of revisions being requested. City council shall review any revisions to a master plan that increases the overall development intensity, changes the proposed mix of uses by increasing or reducing any use category by 25 percent or more, or increases the maximum building height from that shown on the approved master plan. Additionally, city council shall review any revision to a master plan that results in a decrease in the amount of perimeter open space or perimeter parking lot buffering, or in a 25 percent or greater reduction in the number of proposed blocks from that shown on the approved master plan. For the purpose of determining overall development intensity, one

Urban Village District

residential unit shall be regarded as the equivalent of 500 square feet of office floor area; one residential unit shall be regarded as the equivalent of 200 square feet of commercial floor area; and 1,000 square feet of office space shall be regarded as the equivalent of 350 square feet of commercial floor area. For other uses, the planning and development director shall determine the equivalency factor using quantifiable information such as automobile trip generation data. In reviewing master plan revisions, the city council shall follow the same public hearing process used to approve the initial master plan; at its discretion, the city council may refer the proposed revisions to the planning and zoning commission for their recommendation. The planning and development director is authorized to review and approve all other revisions to master plans. In approving revisions to a master plan, the planning and development director shall analyze the revisions in terms of compliance with the specific requirements of the Urban Village Zoning District, the general development pattern approved by city council, and the overall development concept, including the mix of uses, of the initial approved master plan. In the event the planning and development director denies the proposed revisions, the property owner may request that the city council review the revisions following the same public hearing process as provided above.

- (2) *Density standards.* Maximum residential density shall not be limited, except by other standards such as building height, parking, landscaping and buffering, open space, and traffic impact analysis.
- (3) *Structure size standards.* The structure size shall not be limited except by other standards such as building height, parking, landscaping and buffering, open space, and traffic impact analysis.
- (4) *Area standards.* The minimum area required to establish an Urban Village District shall be five acres.
- (5) *Lot size standards.* There is no minimum lot size in an Urban Village District.
- (6) *Street design standards.* Internal streets in the Urban Village District shall be designed using the Asheville Standards And

Urban Village District

Specifications Manual (or as approved by the city engineer) but shall contain: pedestrian zone area, travel lane area, center medians if any, on-street parking. The sight visibility triangle requirement noted in article XI may be modified at the review of the city engineer.

(7) *Lot width standards.* None

(8) *Setbacks.*

*Minimum setback:* Zero feet from the right-of-way.

*Maximum setback:* 15 feet from the street as measured from back of curb, except as follows:

- a. Arcades and awnings may encroach into the setback area.
- b. Mixed use office/retail structures may be setback from the back of curb up to 25 feet if at least ten feet in front of the structure includes an arcade, forecourt, dooryard, or courtyard offering public amenities.
- c. Institutional and public uses may be setback a maximum of 75 feet as measured from back of curb for projects that incorporate a courtyard or green. Courtyard and green areas may include landscape portions but shall also include hardscape paving elements for public meeting or gathering. The main facade of institutional and public use structures must face this setback area.
- d. Single-family residential structures may be setback up to 25 feet from back of curb and may include a dooryard, courtyard, porch and fence.
- e. Multifamily residential structure setback areas may include a courtyard up to 25 feet deep. The courtyard may not be wider than one-third of the building length unless approved by the director of planning and development.
- f. Variations in setback requirements may be granted by the city council or planning and development director to address issues of context, including but not limited to alignment of buildings in the same blockface, street classification on the thoroughfare plan, and proposed or existing public greens, pedestrian zones and courtyards.

Urban Village District

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- g. Buildings may be set back up to 40 feet from back of curb for topographic reasons subject to the following requirements:
- A pedestrian zone and sidewalk is provided at the back of the curb meeting UV standards and may include street trees and other streetscape enhancements;
  - The top of the retaining wall (excluding handrails, etc.) does not exceed five feet above (or below depending on the specific topographic grade) the sidewalk level;
  - The area above (or below depending on the specific topographic grade) the retaining wall and adjacent to the building includes uses to encourage a lively pedestrian space and shall be considered an active pedestrian level;
  - Building frontages facing this active pedestrian level shall meet fenestration requirements as described in the ordinance.
  - No more than 50 percent of the length of the facade of the building is separated from the main sidewalk level with the use of a retaining wall. The remaining 50 percent of the street frontage must:
    1. Have upper and lower sidewalks join at the same grade as a single sidewalk, or
    2. Connect the upper and lower sidewalks through no more than five steps or a ramp at no more than a one to 12 slope. The steps described in this scenario are the steps running parallel to the face of the building connecting to the sidewalk area.

(9) *Impervious surface standards.* None.

(10) *Height standards.*

- a. Minimum height: 15 feet. Maximum height: 100 feet. It is the intent of this section that the predominant height of structures in Urban Village Districts be between two and six stories in height. In applying this provision, single story

Urban Village District



structures shall not exceed 50 percent of the total gross building footprint of structures included in the master plan. Any structure taller than four stories shall be designed with a cornice at the fourth story level, with those portions of the structure taller than four stories being set back at a minimum of ten feet from the cornice level. Any structure taller than six stories shall be located internally to the site unless the surrounding context supports such height.

- b. As part of its approval of the master plan, increases in maximum height of a structure may be allowed by the city council not to exceed 150 feet, based on such factors as topography, relationship to other structures in the area, and compliance with applicable design guidelines. For structures exceeding 100 feet in height, the minimum cornice level setback shall be 20 feet or a second cornice level with a minimum setback of 10 feet shall be established at a point between floors five through eight.

(11) *Design and operational standards.*

- a. *Orientation.* Buildings shall be oriented towards their primary access street. On corner lots, the building must be located at the corner. Single-family residential units located on a corner are exempt from this requirement. Building sides should appear similar to their fronts.
- b. *Entrances.* All buildings should include well-defined entrances facing the street at regular intervals. An operable entrance on each primary facade should be provided to encourage access by pedestrians. Buildings on corner lots may place the entrance at the corner eliminating the need for side entrances.
- c. *Windows, doors and other openings.* The first floor of all new structures in the Urban Village District shall be designed in a way that a minimum of 45 percent of the length of the first floor street frontage incorporates either windows, doors and other openings to complement pedestrian scale activity. Structures shall have windows evenly distributed across the facade. Upper story windows, doors and other openings shall make up at least 30 percent of the wall surface. Residential-only buildings that are identified on the approved masterplan may reduce the openings along the ground floor street facing facade to 30

Urban Village District

percent. All storefront windows shall be transparent or lightly tinted and shall not appear false or applied. Windows are also required along the sides of structures that are visible from roadways or have parking adjacent to them. Exceptions to these standards may be made by the city council in order to achieve compliance with LEED or NC building energy code standards, to accommodate public art or to allow alternative fenestration approaches provided the intent of this section is met by the building exhibiting a primary focus on pedestrian interest.

- d. *Variances.* Requests for variances of the design and operational standards set forth in this subsection may be granted by the planning and zoning commission, which is hereby designated to perform the duties of a board adjustment for this purpose.

- (12) *Internal access and connectivity.* The site shall be traversed by a network of internal streets built according to the Asheville Standards and Specifications Manual (or as approved by the city engineer). Internal streets should seek to avoid cul-de-sacs and dead end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or a green. In such cases, a sidewalk or other connection must be provided to ensure the goals of connectivity. In addition, internal streets are also required to have sidewalks and street trees. A bus shelter is required for Urban Village Districts. Larger projects may require more shelters as determined by the Traffic Impact Analysis and or by the transit director. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Urban Village should be created where possible and appropriate. Blocks are required throughout the site to provide access to different village areas and to encourage multi-modal transportation options. Only one driveway per block face shall be allowed for blocks shorter than 350 feet; up to two driveways may be allowed in blocks 350 feet or longer provided measures are taken to maintain pedestrian interest and safety. Single family (including townhome) and duplex uses are exempt from this driveway restriction. Parking and loading access from service alleys for all uses, however, is encouraged, and such alleys, when approved as part of the street network of the master plan, shall be exempt from the requirements of this section.

- (13) *Block length.* Block length may vary but shall not exceed 500

Urban Village District

feet in length. For blocks on local streets that are 350 feet or longer, a mid-block pedestrian street crossing is required which may also include a parking lot driveway and/or pedestrian passageway between two or more buildings, and shall have curb extensions (bulbouts) for ease and safety of pedestrian street crossing (per the Asheville Standards and Specifications Manual). Collector streets may also require mid-block pedestrian crossings as noted above. Variations in block length and pedestrian crossing requirements may be approved by the city engineer provided the intent of this section is met.

- (14) *Pedestrian zone and sidewalks.* The pedestrian zone is the area between the street curb and the building edge or for access roads, the street curb and the ROW area. The pedestrian zone includes sidewalks, street trees and other pedestrian amenities. The pedestrian zone will generally be 15 feet wide along primary streets in the Urban Village District but may be wider depending on the setback pattern. On secondary streets, the city engineer may accept a 12-foot wide pedestrian zone after evaluation of traffic and circulation patterns. Sidewalks in Urban Village Districts shall be required along one side of access streets and both sides of internal streets throughout the development. If appropriate to the design of the Urban Village, greenway paths may be substituted for sidewalks in residential areas to provide connections. The sidewalk shall be a minimum of seven feet wide in the Urban Village District. In solely residential areas containing less than eight units per acre, sidewalks are only required to be five feet wide. With institutional and public uses that have an increased setback, a sidewalk shall connect the building facade entrance with the street. The sidewalk may be as wide as the entire pedestrian area. Arcades, awnings, outdoor dining, shelters, seating areas, fountains, street trees, additional landscaped areas and other pedestrian amenities may be a part of this pedestrian area so long as seven feet of clear walking space is maintained. The pedestrian area may also be used to create an area for waiting, pick up and drop off. At locations such as intersections and other crosswalks, curb extensions (bulb-outs) are required to create safer pedestrian crossings. No fee in lieu of construction of sidewalks will be accepted in urban village districts.
- (15) *Parking/loading standards.* Parking facilities shall be provided as per the parking, loading and access standards, article 11 of this code with the exceptions noted below:

Urban Village District

- a. *Amount of parking.* Parking spaces in the Urban Village District shall be reviewed at the master plan level. The maximum number of spaces allowed in Urban Villages shall be the minimum required in the parking section in article 11 since this district can take advantage of shared parking opportunities. Parking spaces in parking structures shall be exempt from parking space calculations.
- b. *On-street parking.* On-street parking is required for all local streets and for collector streets as approved by the city engineer. On-street parking may take the form of parallel or angle parking and shall be built according to the Asheville Standards and Specifications Manual. On-street parking shall be counted when calculating the maximum number of spaces allowed.
- c. *Off-street parking.* Uses in the Urban Village District are not required to provide off-street parking. Off-street parking lots are encouraged to be provided at the side or rear of buildings or the interior of a block of buildings and not closer to the street than the edge profile of the structures. No more than 20 percent of parking that is provided in the Urban Village District shall be in the form of off-street surface lots not located to the side or rear of buildings. Off-street parking shall not be adjacent to street intersections. No parking is permitted in any setback area. No more than 50 percent of the parking spaces provided may be in the form of off-street surface parking, with other parking to be accommodated in on-street or structured parking. Phased development may exceed the allowable amount of surface parking for time frames determined in master plan approval provided that full development of all phases meets the above requirements.
- d. *Bicycle parking.* Bicycle parking shall be provided as per article 11 except that the five percent calculation of total parking spaces will include on-street and off-street spaces provided in the master plan. Bicycle parking shall be distributed throughout the project use area.
- e. *Loading standards.* Urban Village Districts may share on-street and off-street loading facilities and are therefore allowed to provide these facilities at half the rate listed for the applicable uses. On-street loading spaces may be counted toward the project loading requirements.

Urban Village District

- (16) *Street trees.* Street trees are required in the pedestrian zone and along access roads at an average rate of one tree every 40 feet and shall be selected from the City of Asheville recommended tree species list for durable large maturing trees. Trees may be planted in minimum of five foot by five-foot square pits close to the curb edge of the sidewalk. Tree frames and grates are not required but are recommended especially near store entrances, other sidewalk constraints, points of ingress or egress, or public gathering areas. If tree grates are not used, an organic surfacing material shall be used to level the surface of the tree pit with the sidewalk. This material shall receive regular maintenance. To offer flexibility in the tree planting requirements, trees may be planted in planting strips adjacent to the curb edge of the sidewalk. Planting strips shall be no narrower than five feet wide. Planting strips may include grass, flowers and other plant materials where appropriate. Planting strips may not be appropriate in pedestrian gathering areas.
- (17) *Landscape/buffering standards.* Landscaping and buffering shall be in accordance with article 11 [of the UDO] of the code with exceptions as noted below. Surface parking lots shall include interior and perimeter tree plantings made up of deciduous trees at a rate of one tree for every 1,500 square feet of parking and shall be selected from the City of Asheville Recommended Species Tree List for durable large sized trees. No parking space may be farther than 45 feet from a tree. Parking areas adjacent to roadways will require buffering from the street as noted in article 11 [of the UDO] with the exception that the buffer planting area shall be a minimum of eight feet wide. Residential structures within the Urban Village may have up to a 100 percent reduction in buffering requirements from the rest of the Urban Village. Buffering for Urban Village District projects is measured and reviewed from the parcel lot lines used to establish the district and not on an internal lot-by-lot basis. The Urban Village development projects shall be considered a high impact use based on the existing adjacent land use table in article 11 [of the UDO]; however, required buffering of neighboring uses may be reduced by the director of planning and development depending on the compatibility of the design of the project or particular component thereof with adjoining uses.
- (18) *Open space standards.* Open space for urban village district shall be a minimum of five percent of the area covered by the master plan. Pedestrian zones and public plaza spaces may be counted

Urban Village District

toward the open space requirements. Any bufferyards provided according to this section that are constructed with a greenway or other durable walking trail may also be counted toward the open space requirements. Dedicated public park space shall be reviewed with the City of Asheville Parks and Recreation Department for concurrence, agreement and maintenance (if required).

- (19) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

(Ord. No. 2851, § 1(a), 9-25-01; Ord. No. 3115, § 1, 4-27-04; Ord. No. 3156, § 1, 8-24-04; Ord. No. 3157, § 1(b), 8-24-04; Ord. No. 3272, § 1(b), 7-26-05; Ord. No. 3262, § 1(c), 7-12-05; Ord. No. 3335, § 1(a), 2-28-06; Ord. No. 3418, §§ 1(a), (b), 11-28-06; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3583, § 1(a), 2-12-08; Ord. No. 3578, § 1, 1-22-08; Ord. No. 3643, § 1a, 7-22-08)

Urban Village District

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